IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

Bail Appl..No. 7368 of 2006()

Crime No.118/2006 of Venmani Police Station

PETITIONERS/ACCUSED 1 & 2:

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1. PRADEEP K.N.,
KALABHAVAN, KOZHUVALLOOR P.O.,KODUKULANJIKAROTTE BHAGAM, VENMANI VILLAGE, CHENGANNUR.

2. KALAVATHIAMMA,
KALABHAVAN, KOZHUVALLOOR P.O., KODUKULANJIKAROTTE BHAGAM, VENMANI VILLAGE, CHENGANNUR.

BY ADV. SRI.A.AHZAR

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
VENMANI POLICE STATION, CHENGANNUR.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.
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B.A.No.7368 of 2006
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Dated this the 12th day of December, 2006.

ORDER

Petitioners, who are the husband and mother-in-law of one Mayalakshmi the defacto complainant and who are accused Nos. 1 and 2 in Crime No.118 of 2006 of Venmani Police Station for an offence punishable under Section 498 A I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The marriage between the first petitioner and Mayalakshmi was solemnised only on 22.1.2006. Going by her complaint, she was mentally and physically tortured by the petitioners culminating in her leaving the matrimonial home. Having regard to the fact that the marriage took place only in January, 2006, and in a short span the defacto complainant had to leave her matrimonial home, I am not inclined to grant bail to

the first petitioner – husband. With regard to the second petitioner being an aged woman, I am inclined to grant anticipatory bail to the second petitioner. Accordingly, a direction is issued to the Investigating Officer to release the second petitioner on bail in the event of her arrest in connection with the above case on her executing a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. The second petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

2. The second petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

3. The second Petitioner shall not commit any offence while on bail.

4. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This application is accordingly allowed in part granting anticipatory bail to the second petitioner but declining the prayer for anticipatory bail to the first petitioner.

V.RAMKUMAR,
JUDGE.

ess 12/12